

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of : Hnojewyj et al.

Examiner: J. Russel

Serial No. : 09/520,856

Group Art Unit: 1654

Filed : 7 March 2000

For : Biocompatible Material Composition Adaptable to Diverse Therapeutic Indications

**TERMINAL DISCLAIMER TO OBLIGATE
A DOUBLE PATENTING REJECTION**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, Daniel D. Ryan, Esq. (Registration Number 29,243), state that I am attorney of record in the above identified patent application (which I will call the '856 Application). The '856 Application is a continuation-in-part of United States Patent Application Serial No. 09/283,535, filed April 1, 1999, now U.S. Patent No. 6,458,147, which is itself a continuation-in-part of United States Patent Application Serial No. 09/188,083, filed November 6, 1998, now U.S. Patent No. 6,371,975.

I further state that NeoMend, Inc. is the assignee of the whole invention claimed and described in U.S. Patent 6,458,147 and the present '856 Application. The assignment of the U.S. Application Serial No. 09/283,535 (now U.S. Patent 6,458,147) by the inventors to Advanced Closure Systems, Inc. is recorded in the United States Patent Office on Reel/Frame 010374/0594, a true copy of which is attached. A Certificate of Amendment of Advanced Closure Systems, Inc. changing its name to NeoMend, Inc. is recorded in the United States Patent Office on Reel/Frame 012848/0941, a true copy of which is attached. The assignment of the present '856

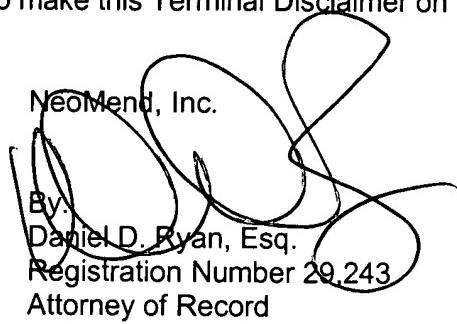
Application by the inventors to NeoMend, Inc. is recorded in the United States Patent Office on Reel/Frame 010820/0912, a true copy of which is attached. As a result, U.S. Patent 6,458,147 and the present '856 Application are commonly owned by NeoMend, Inc.

With respect to claims granted in the '856 Application, NeoMend, Inc. hereby disclaims the terminal part of any patent granted which would extend beyond the expiration date of the full statutory term of U.S. Patent 6,458,147.

NeoMend, Inc. hereby agrees that any patent granted on the '856 Application shall be enforceable only for and during such period that the legal title to such patent shall be the same as the legal title to U.S. Patent 6,458,147. This agreement shall run with any patent granted on the '856 Application and shall be binding upon the grantor, its successors, or assigns.

NeoMend, Inc. does not disclaim any terminal part of any patent granted on the '856 Application prior to the expiration date of the full statutory term of U.S. Patent 6,458,147 in the event that U.S. 6,458,147 later: (1) expires for failure to pay a maintenance fee; (2) is held unenforceable; (3) is found invalid; (4) is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321(a); (5) has all claims canceled by a reexamination certificate; or (6) is otherwise terminated prior to expiration of its statutory term, except for the separation of legal title as stated above.

Pursuant to 37 C.F.R. 3.73(b), I hereby state that the evidentiary documents accompanying or referred to in this Terminal Disclaimer have been reviewed by the undersigned, and it is certified that to the best of the assignee NeoMend, Inc's knowledge and belief, title is in the assignee. I also state that I am authorized by NeoMend, Inc. to make this Terminal Disclaimer on its behalf.


NeoMend, Inc.
By:
Daniel D. Ryan, Esq.
Registration Number 29,243
Attorney of Record



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

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FEBRUARY 14, 2000

PTAS

RYAN KROMHOLZ & MANION, S.C.
DANIEL D. RYAN
633 WEST WISCONSIN AVENUE
MILWAUKEE, WI 53203



101201802A

UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 11/08/1999

REEL/FRAME: 010374/0594
NUMBER OF PAGES: 2

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:
CRUISE, GREGORY M.

DOC DATE: 11/03/1999

ASSIGNOR:
HNOJEWY, OLEXANDER

DOC DATE: 11/03/1999

ASSIGNEE:
ADVANCED CLOSURE SYSTEMS
735 PALOMAR AVENUE
SUNNYVALE, CALIFORNIA 94086

SERIAL NUMBER: 09283535
PATENT NUMBER:

FILING DATE: 04/01/1999
ISSUE DATE:

SHARON LATIMER, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

RYAN KROMHOLZ & MANION S.C.

MRD 11/8/99 E JC
FORM PTO-1595 SEP 22 2003
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11-16-1999



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1 SHEET

U.S. DEPARTMENT OF COMMERCE

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U.S. PATENT AND TRADEMARK OFFICE

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):

Gregory M. Cruise and Alexander Hnojewy

Additional name(s) of conveying party(ies) attached?

3. Nature of conveyance:

- Assignment Merger
 Security Agreement Change of Name
 Other _____

Execution Date: November 3, 1999

2. Name and address of receiving party(ies):

Name: Advanced Closure Systems INC CATCH 1600/29919

Internal Address: _____

Street Address: _____

735 Palomar Avenue

City: Sunnyvale State: CA ZIP: 94086

Additional name(s) & address(es) attached: Yes No

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is: _____

A. Patent Application No.(s)

09/283,535

B. Patent No.(s)

Additional numbers attached? Yes No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Daniel D. Ryan

Internal Address: _____

Ryan Kromholz & Manion, S.C.

6. Total number of applications and patents involved: 1

7. Total fee (37 CFR 3.41).....\$ 40.00

Enclosed

Authorized to be charged to deposit account

8. Deposit account number:

06-2360

(Attach duplicate copy of this page if paying by deposit account)

11/10/1999 0000055 062360 0928355 DO NOT USE THIS SPACE

01 FC:581

40.00 CH

9. Statement and signature

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Daniel D. Ryan
Name of Person Signing

Signature

11/4/99

Date

Total number of pages including cover sheet, attachments, and document:

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ASSIGNMENT

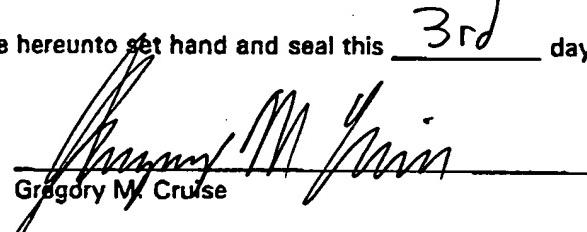
WHEREAS, Gregory M. Cruise of Fremont, California and Olex Hnojewyj of Saratoga, California (hereinafter referred to as ASSIGNORS), have invented and own a certain invention entitled Compositions, Systems and Methods for Arresting or Controlling Bleeding or Fluid Leakage in Body Tissue for which application for Letters Patent of the United States has been executed on even date herewith (attorney's Docket No. 1849.16102-A CIP);

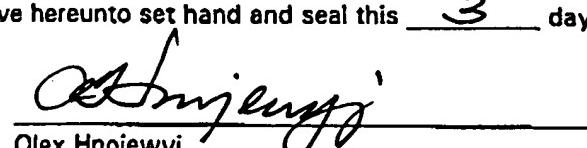
WHEREAS, Advanced Closure Systems, Inc. (hereinafter referred to as ASSIGNEE), is desirous of acquiring the entire interest in, to and under said invention and in, to and under Letters Patent or similar legal protection to be obtained therefor in the United States and in any and all foreign countries;

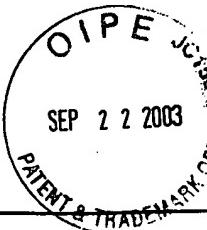
NOW THEREFORE, TO ALL WHOM IT MAY CONCERN: Be it known that in consideration of the payment of ASSIGNEE to ASSIGNORS of the sum of One Dollar (\$1.00), the receipt of which is hereby acknowledged, and for other good and valuable consideration, ASSIGNORS hereby sell, assign and transfer to ASSIGNEE the full and exclusive right, title and interest to said invention in the United States and its territorial possessions and in all foreign countries and to all Letters Patent or similar legal protection in the United States and its territorial possessions and in any and all foreign countries to be obtained for said invention by said application or any continuation, division, renewal, substitute or reissue thereof or any legal equivalent thereof in a foreign country for the full term or terms for which the same may be granted.

ASSIGNORS hereby covenant that no assignment, sale, agreement or encumbrance has been or will be made or entered into which would conflict with this assignment and sale;

ASSIGNORS further covenant that ASSIGNEE will, upon its request, be provided promptly with all pertinent facts and documents relating to said application, said invention and said Letters Patent and legal equivalents in foreign countries as may be known and accessible to ASSIGNORS and will testify as to the same in any interference or litigation related thereto and will promptly execute and deliver to ASSIGNEE or its legal representatives any and all papers, instruments or affidavits required to apply for, obtain, maintain, issue and enforce said application, said invention and said Letters Patent and said equivalents thereof in any foreign country which may be necessary or desirable to carry out the purposes thereof.

IN WITNESS THEREOF, I have hereunto set hand and seal this 3rd day of
November, 1999.

Gregory M. Cruise

IN WITNESS THEREOF, I have hereunto set hand and seal this 3 day of
Nov., 1999.

Olex Hnojewyj
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TECH CENTER 1600
Commissioner for Trademarks
U.S. Patent and Trademark Office
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www.uspto.gov

JULY 03, 2002

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RYAN KROMHOLZ & MANION, S.C.
DANIEL D. RYAN
P.O. BOX 26618
MILWAUKEE, WI 53226-0618



102079557A

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RECORDATION DATE: 04/30/2002

REEL/FRAME: 012848/0941
NUMBER OF PAGES: 6

BRIEF: CHANGE OF NAME (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

ADVANCED CLOSURE SYSTEMS, INC.

DOC DATE: 03/13/2000

ASSIGNEE:

NEOMEND, INC.
675 PALOMAR AVENUE
SUNNYVALE, CALIFORNIA 94086

SERIAL NUMBER: 09283535

FILING DATE: 04/01/1999

PATENT NUMBER:

ISSUE DATE:

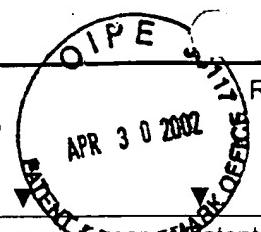
SHARON LATIMER, EXAMINER
ASSIGNMENT DIVISION
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05-06-2002

cket No.: 1849.16102-A CIP

U.S. DEPARTMENT OF COMMERCE
Patent and Trademark Office

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102079557

4.3000

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):
Advanced Closure Systems, Inc.

2. Name and address of receiving party(ies):

Name: NeoMend, Inc.

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Address: 675 Palomar Avenue

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Additional names(s) of conveying party(ies)

Yes No

3. Nature of conveyance:

- Assignment Merger
 Security Agreement Change of Name
 Other _____

Execution Date: 3/13/2000

City: Sunnyvale State/Prov.: CA

Country: US ZIP: 94086

Additional name(s) & address(es) Yes No

4. Application number(s) or patent numbers(s):

If this document is being filed together with a new application, the execution date of the application is: _____

Patent Application No. Filing date

B. Patent No.(s)

09/283,535 4/1/1999

Additional numbers

Yes No

5. Name and address of party to whom correspondence concerning document should be mailed:

6. Total number of applications and patents involved: 1

Name: Daniel D. Ryan

7. Total fee (37 CFR 3.41):\$ 40.00

Registration No. 29,243

Enclosed - Any excess or insufficiency should be credited or debited to deposit account

Address: Ryan Kromholz & Manion, S.C.

Authorized to be charged to deposit account

P.O. Box 26618

8. Deposit account number:

05/06/2002 TDIАЗ1 00000040 09283535

06-2360

01 FC:581

40.00 0F

(Attach duplicate copy of this page if paying by deposit account)

City: Milwaukee

State/Prov.: WI

Country: US

ZIP: 53226-0618

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9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Daniel D. Ryan

Name of Person Signing

Signature

5

Date

Total number of pages including cover sheet, attachments, and

Mail documents to be recorded with required cover sheet information to:

Commissioner of Patents & Trademarks, Box Assignments

09-02-2004

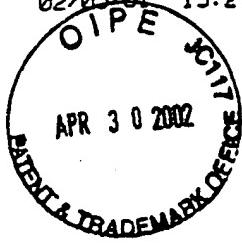
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WILSON SONSINI → 914287330198

NO. 306 P002/006



State of Delaware

PAGE 1

Office of the Secretary of State

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I, EDWARD J. FREEL, SECRETARY OF STATE OF THE STATE OF
DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT
COPY OF THE CERTIFICATE OF AMENDMENT OF "ADVANCED CLOSURE
SYSTEMS, INC.", CHANGING ITS NAME FROM "ADVANCED CLOSURE
SYSTEMS, INC." TO "NEOMEND, INC.", FILED IN THIS OFFICE ON THE
THIRTEENTH DAY OF MARCH, A.D. 2000, AT 4 O'CLOCK P.M.

A FILED COPY OF THIS CERTIFICATE HAS BEEN FORWARDED TO THE
NEW CASTLE COUNTY RECORDER OF DEEDS.

2690115 8100

001126913



Edward J. Freel
Edward J. Freel, Secretary of State

AUTHENTICATION:

0315182

DATE:

03-15-00

Feb 05 01 04:47P
02/05/01 15:27

WILSON SONSINI → 914287330190

P. 3



**CERTIFICATE OF AMENDMENT OF
AMENDED AND RESTATED
CERTIFICATE OF INCORPORATION**

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TECH CENTER 1600/2996

Advanced Closure Systems, Inc., a corporation organized and existing under and by virtue of
the General Corporation Law of the State of Delaware,

DOES HEREBY CERTIFY:

FIRST: That the Board of Directors of said corporation, at a meeting of the Board of
Directors, adopted a resolution proposing and declaring advisable the following amendment to the
Amended and Restated Certificate of Incorporation of said corporation:

RESOLVED, that the Amended and Restated Certificate of Incorporation of Advanced
Closure Systems, Inc. be amended by changing the first Article thereof so that, as amended,
said Article shall be and read as follows:

"**ONE** The name of this corporation is NeoMend, Inc."

SECOND: That in lieu of a meeting and vote of stockholders, the stockholders have given
written consent to said amendment in accordance with the provisions of Section 228 of the General
Corporation Law of the State of Delaware.

THIRD: That the aforesaid amendment was duly adopted in accordance with the applicable
provisions of Sections 242 of the General Corporation Law of the State of Delaware.

{remainder of page intentionally left blank}

Feb 05 01 04:47p

P. 4

02/05/01 15:27 WILSON SONSINI → 914087330190

NO. 306 P004/005

IN WITNESS WHEREOF, the corporation has caused this Certificate to be signed by its
President, this 9 day of March, 2000.

By:

Timothy C. Mills, President

Feb. 05 01 04:47P

02/05/01 15:27

WILSON SONSINI → 914087330190

P.5

NO. 306 P005/006

A0512783

State of California



SECRETARY OF STATE

I, *BILL JONES*, Secretary of State of the State of California,
hereby certify:

That the attached transcript of 1 page(s) has
been compared with the record on file in this office, of
which it purports to be a copy, and that it is full, true
and correct.

IN WITNESS WHEREOF, I execute this
certificate and affix the Great Seal of
the State of California this day of



A handwritten signature in cursive ink that reads "Bill Jones".

Secretary of State

Feb 05 01 04:48p

P. 6

02/05/01 15:27

WILSON SONSINI + 914287330190

NO. 306 P006/026

A0542783



ENDORSED - FILED
in the office of the Secretary of State
of the State of California

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MAR 31 2000
HILL JONES, Secretary of State

**AMENDED STATEMENT BY
FOREIGN CORPORATION**

NeoMend, Inc.

Name of Corporation

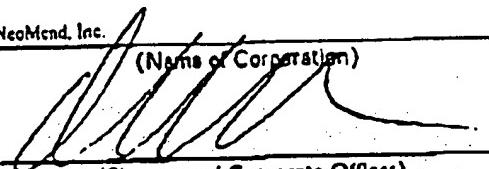
, a corporation organized
and existing under the laws of Delaware , and which is presently
(State or Place of incorporation)

qualified for the transaction of intrastate business in the State of California, makes the
following statement:

That the name of the corporation has been changed to that hereinabove set forth and
that the name relinquished at the time of such change was Advanced Closure Systems, Inc.

NeoMend, Inc.

(Name of Corporation)


(Signature of Corporate Officer)

David A. Saul, Asst. Secretary

(Typed Name and Title of Officer Signing)



Page 1 of 1

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ASSEMBLY OF STATE FORMS
CA0010 - CT System Online



CERTIFICATE OF FIRST CLASS MAIL

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I hereby certify that this correspondence is being deposited with the
United States Postal Service as First Class Mail on the date indicated below
in an envelope addressed to: Commissioner of Patents and Trademarks,
Washington, D.C. 20231.

By: Julie A. Wolf
Julie A. Wolf

Dated: 22 April 2002

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JULY 28, 2000



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

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DANIEL D. RYAN
P.O. BOX 26618
MILWAUKEE, WI 53226

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101373434A 703-308-9723

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RECORDATION DATE: 05/30/2000

REEL/FRAME: 010820/0912

NUMBER OF PAGES: 3

BRIEF: ASSIGNMENT OF ASSIGNEE'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:
HNOJEWYJ, OLEXANDER

DOC DATE: 04/13/2000

ASSIGNOR:
MILO, CHARLES

DOC DATE: 04/13/2000

ASSIGNOR:
CRUISE, GREGORY M.

DOC DATE: 05/21/2000

ASSIGNEE:
NEOMEND, INC.
675 PALOMAR AVENUE
SUNNYVALE, CALIFORNIA 94086

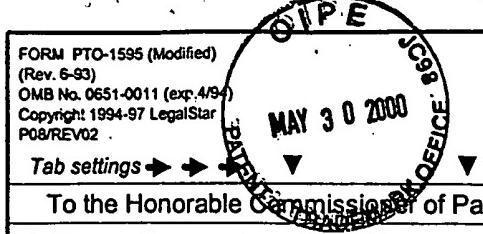
SERIAL NUMBER: 09520856
PATENT NUMBER:

FILING DATE: 03/07/2000
ISSUE DATE:

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010820/0912 PAGE 2

STEVEN POST, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS



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Ref. No.: 184.016102-A CIP 2

:T

U.S. DEPARTMENT OF COMMERCE
Patent and Trademark Office

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To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):

Alexander Hnojewyj
Charles Milo
Gregory M. Cruise

M 10
S 30. c

2. Name and address of receiving party(ies):

Name: NeoMend, Inc.

Internal Address:

SEP 26 2003

Additional names(s) of conveying party(ies) Yes No

3. Nature of conveyance:

- | | |
|--|---|
| <input checked="" type="checkbox"/> Assignment | <input type="checkbox"/> Merger |
| <input type="checkbox"/> Security Agreement | <input type="checkbox"/> Change of Name |
| <input type="checkbox"/> Other _____ | |

Execution Date: April 13, 2000 May 21, 2000

Street Address: 675 Palomar Avenue

City: Sunnyvale State: CA ZIP: 94086

Additional name(s) & address(es) attached? Yes No

4. Application number(s) or registration numbers(s):

If this document is being filed together with a new application, the execution date of the application is: _____

A. Patent Application No.(s)

B. Patent No.(s)

Additional numbers attached? Yes No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Daniel D. Ryan

Internal Address: _____

06/01/2000 WWD/RWA 00000018-09520856

06 FC:581

40.00 pp

Street Address: P.O. Box 26618

City: Milwaukee

State: WI ZIP: 53226

6. Total number of applications and patents involved:

1

7. Total fee (37 CFR 3.41): \$ 40.00

Enclosed - Any excess or insufficiency should be credited or debited to deposit account

Authorized to be charged to deposit account

8. Deposit account number:

06-2360

9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Daniel D. Ryan

26 May, 2000

Name of Person Signing

Signature

Copied from 095/0910 on 09-02-2004

Date

Total number of pages including cover sheet, attachments, and document:

A S S I G N M E N T

In consideration of One Dollar (\$1.00) and other good and valuable considerations, receipt of which is acknowledged, We, Alexander Hnojewyj, Charles Milo, and Gregory M. Cruise, being the lawful owners, hereby sell and assign to NeoMend, Inc., its successors and assigns, the entire right, title and interest throughout the world in our invention in a Biocompatible Material Composition Adaptable to Diverse Therapeutic Indications, as described in the application for United States patent filed on 7 March 2000 as Serial No. 09/520,856, and in this and any and all US and other patent applications and patents thereon, and in all rights of priority thereto.

Signed, sealed and delivered this _____ day of _____, 20_____.

Alexander Hnojewyj 4/13/2002

Alexander Hnojewyj

Charles Milo 4/13/2002

Charles Milo

Gregory M. Cruise

ASSIGNMENT

In consideration of One Dollar (\$1.00) and other good and valuable considerations, receipt of which is acknowledged, We, Alexander Hnojewyj, Charles Milo, and Gregory M. Cruise, being the lawful owners, hereby sell and assign to NeoMend, Inc., its successors and assigns, the entire right, title and interest throughout the world in our invention in a Biocompatible Material Composition Adaptable to Diverse Therapeutic Indications, as described in the application for United States patent filed on 7 March 2000 as Serial No. 09/520,856, and in this and any and all US and other patent applications and patents thereon, and in all rights of priority thereto.

Signed, sealed and delivered this _____ day of _____, 20_____.

Alexander Hnojewyj 4/13/2000

Alexander Hnojewyj

Charles Milo 4/13/2000

Charles Milo

Gregory M. Cruise 5/21/00

date